

Lead Abatement and Renovation, Repair and Painting (RRP)

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ENVIROSCHOOL

Why do we care about lead?

- When lead is absorbed into the body, it can cause damage to the brain and other vital organs, like the kidneys, nerves and blood. Lead may also cause behavioral problems, learning disabilities, seizures and in extreme cases, death.
- Most human exposure to lead occurs through ingestion or inhalation
- Children six years old and under are most at risk from exposure because they crawl on the floor and they put their hands and other items into their mouths.
 - Because their bodies are still growing, children tend to absorb more lead than adults.

Health Effects

Children exposed to lead can suffer from:

- Lowered IQ
- Damage to the brain and nervous system
- Learning and behavioral difficulties
- Slowed growth
- Hearing problems
- Headaches

Adults can suffer from:

- Reproductive problems (in both men and women)
- High blood pressure and hypertension
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain

Title IV of the Toxic Substances Control Act (TSCA), directs EPA to regulate lead-based paint hazards in paint, dust and soil in child occupied facilities and target housing.

Child Occupied Facility (COF)

- A building or portion of a building or common area, other than the child's principal residence, constructed prior to 1978, that meets at least one of the following criteria.
 - A building that is visited regularly by the same child, 6 years of age or younger, on at least two different days within any week, provided that each day's visit lasts at least three hours, with the combined weekly visit lasting at least six hours, and that the combined annual visits last at least 60 hours.
 - Examples include, but are not limited to, public and nonpublic schools, day care centers, parks, playgrounds, and community centers.
 - A building that has been determined by the department, in conjunction with the state health officer, to be a significant risk because of its contribution to lead poisoning or lead exposure to children who are 6 years of age or younger.
 - A building used as a child-occupied unit and common area in a multi-use building.

Why Child Occupied Facilities?

- Children six years old and under are most at risk from exposure because they crawl on the floor and they put their hands and other items into their mouths.
- Because their bodies are still growing, children tend to absorb more lead than adults.

Target Housing

Any housing constructed prior to 1978, except housing for the elderly or persons with disabilities, unless any child who is 6 years of age or under resides or is expected to reside in such housing for the elderly or persons with disabilities, or any zero-bedroom dwelling.

Why Target Housing?

The use of lead based paint in residential homes was banned in 1978.

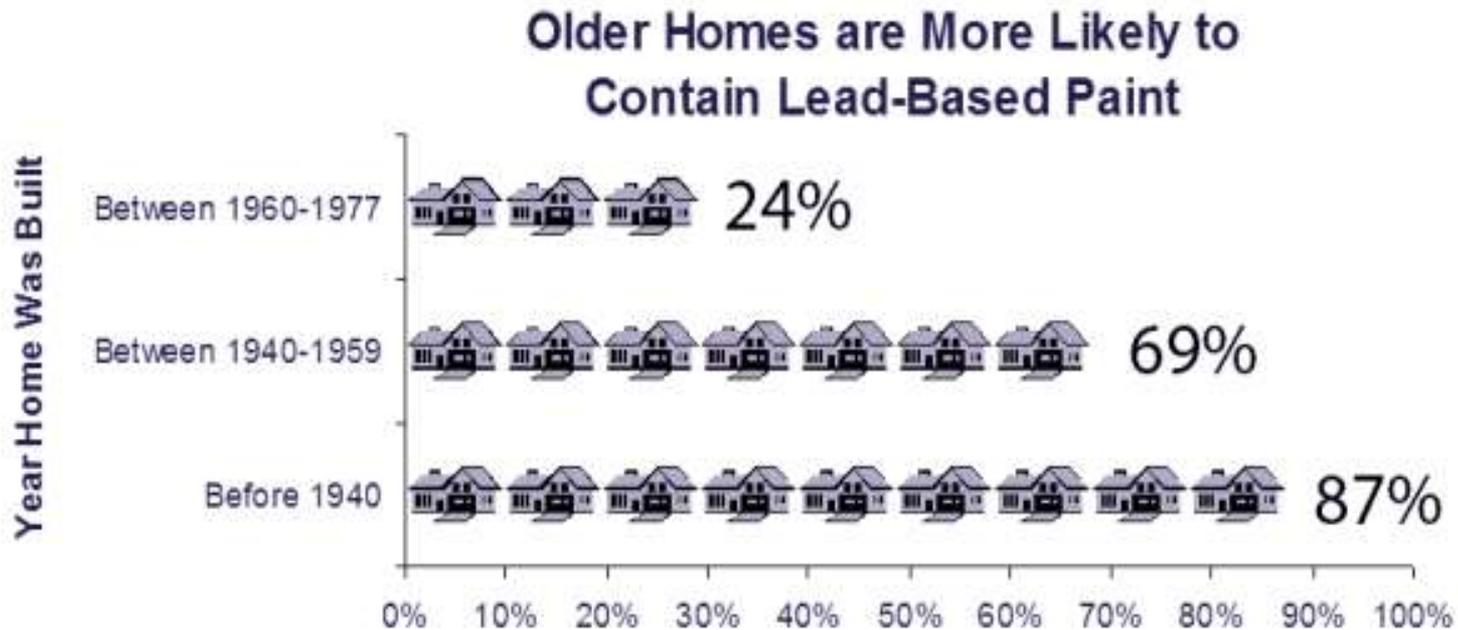


Photo from EPA Protect Your Family from Sources of Lead,
<https://www.epa.gov/lead/protect-your-family-sources-lead>

Why Paint, Dust, and Soil?

Paint

Lead paint is present in millions of homes, sometimes under layers of newer paint.

- Deteriorating lead-based paint (peeling, chipping, chalking, cracking, damaged, or damp) is a hazard and needs immediate attention.
- Lead-based paint may also be a hazard when found on surfaces that children can chew or that get a lot of wear-and-tear, such as:
 - Windows and window sills;
 - Doors and door frames; and
 - Stairs, railings, banisters, and porches.

Dust

Lead in household dust results from indoor sources such as old lead-based paint on surfaces that are frequently in motion or bump or rub together (such as window frames), deteriorating old lead-based paint on any surface, home repair activities, and tracking lead-contaminated soil from the outdoors into the indoor environment.

Soil

- Soil, yards and playgrounds can become contaminated when exterior lead-based paint from houses or buildings flakes or peels and gets into the soil.
- Soil can become contaminated from past use of leaded gasoline in cars.
- Older playground equipment can still contain old lead-based paint, and artificial turf and playground surfaces made from shredded rubber can contain lead.
- Lead in soil can be ingested as a result of hand-to-mouth activity that is common for young children, and from eating vegetables that may have taken up lead from soil in the garden.

Regulations

TSCA

- **Lead Abatement Program: Training and Certification Program for Lead-based Paint Activities (TSCA sections 402/404):** This requires that those engaged in lead abatements, risk assessments and inspections in homes or child-occupied facilities built prior to 1978 be trained and certified in specific practices to ensure accuracy and safety.
- **Lead Renovation, Repair and Painting Program (RRP) Rule:** This requires that those engaged in RRP activities in homes or child-occupied facilities built prior to 1978 be trained and certified in lead-safe work practices, and use these work practices to guard against lead contamination. It also requires that contractors provide information on lead safety prior to beginning work.
- **Residential Lead-Based Paint Disclosure Program (Section 1018 of Title X):** This requires that potential buyers and renters of housing built prior to 1978 receive certain information about lead and lead hazards in the residence prior to becoming obligated to buy or rent, and provides the opportunity for an independent lead inspection for buyers.
- **Residential Hazard Standards and Clearance Levels for Lead in Paint, Dust and Soil (TSCA Section 403) :** This sets standards for dangerous levels of lead in paint, household dust, and residential soil, as well as the corresponding post-abatement clearance levels

Lead Based Paint Abatement Program

- Provides a framework for lead abatement, risk assessment and inspections
- Ensures that individuals conducting lead-based paint abatement, risk assessment, or inspection are properly trained and certified
- Ensures that training programs are accredited
- Ensures that these activities are conducted according to reliable, effective and safe work practice standards

Renovation, Repair, and Painting Rule

Requires:

- Renovators to be trained in the use of lead safe work practices
- Renovators and firms to be certified
- Providers of renovation training to be accredited
- Renovators to follow specific work practice standards

Abatement vs RRP

What's the Difference?

- Abatement refers to any measure or set of measures designed to permanently eliminate lead-based paint hazards in paint, dust or soil
 - Removal of paint and/or dust
 - Permanent enclosure or encapsulation of lead-based paint
 - Replacement of painted surfaces or fixtures
 - Removal or permanent covering of soil
 - Includes all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures
 - Abatement is generally performed in three circumstances:
 - A child with an elevated blood lead level
 - In housing receiving HUD financial assistance
 - State and local laws and regulations may require abatements in certain situations associated with rental housing
- Renovation, Repair and Painting (RRP) covers any activity that disturbs paint
 - Remodeling and repair/maintenance, electrical work, plumbing, painting preparation, carpentry, window replacement, etc.
 - Program is designed to prevent the introduction of new lead hazards created by a renovation, not to address existing lead hazards

- LDEQ is authorized to carry out the Lead Based Paint Abatement Program
 - Title 33, Part III, Chapter 28
- LDEQ did not request authorization to carry out the RRP Program
 - EPA runs the RRP Program in Louisiana
 - LDEQ assists EPA with RRP investigations

LDEQ Title 33, Part III, Chapter 28, Lead-
Based Paint Activities - Recognition,
Accreditation, Licensure, and Standards for
Conducting Lead-Based Paint Activities

Applicability/Exclusions

Applies to all persons and contractors who are engaged in **lead-based paint activities** in target housing and COFs, or a child residing in the building has been identified as having an elevated blood lead level

- Does not apply to persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed
- Does not apply to lead-based paint activities or to persons performing such activities when such activities are performed wholly within an industrial facility and are performed by persons who are subject to the training requirements of the Occupational Safety and Health Administration's hazard communication standard



LDEQ Title 33, Part III, Chapter 28, Lead-Based Paint Activities - Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities

- **Lead-Based Paint Activities are**, in the case of target housing and child-occupied facilities, inspection, lead hazard screen, risk assessment, and abatement, **the assessment of lead hazards, and the planning, implementation, and inspection of abatement activities**
- Contains procedures and requirements for:
 - the recognition of lead-based paint activities training providers
 - the accreditation of individuals, and licensure of contractors engaged in lead-based paint activities
 - project notifications
 - work practice standards for performing such activities LAC 33:III.2811
 - data collection LAC 33:III.2813
 - reporting of lead hazards at child occupied facilities LAC 33:III.2815

Training and Accreditation

All disciplines require training from a Recognized Training Provider

- A list of RTPs can be found at <https://internet.deq.louisiana.gov/portal/DIVISIONS/LEAD/LEAD-TRAINER-PROVIDER>
- Annual refreshers are required to keep continuous accreditation.
- There are 5 accreditation disciplines
 - Inspectors
 - Risk Assessors
 - Abatement Supervisors
 - Project Designers
 - Abatement Workers
- Once training is complete, proof of training, along with an application and a fee, must be submitted to LDEQ to receive the accreditation.
 - Lead inspector, risk assessor, lead project supervisor, and lead project designer disciplines must pass the applicable state examination given by the department or its proxy

Accreditation Disciplines

- Inspectors perform inspection and post-abatement clearance activities
- Risk assessors perform inspection, post-abatement clearance, lead hazard screen, and risk assessment activities
- Abatement supervisors may supervise abatement projects and prepare occupant protection plans and abatement reports
 - Supervisors may also perform all of the abatement activities that may be performed by abatement workers
- Project designers prepare occupant protection plans and abatement reports for abatement projects
- Abatement workers conduct abatement activities under the direction of certified abatement supervisors

Licensure of Lead Contractors

In order to bid and/or perform abatement activities, lead contractors must obtain a lead-based paint abatement and removal license from the State of Louisiana Licensing Board for Contractors.

Licensure of Lead Contractors

Prior to obtaining an initial or renewal license, the contractor must first submit an application for approval, with appropriate fees, to the OES and certify that the following criteria have been met:

- For target housing and COFs, the contractor is annually accredited as a lead project supervisor
- For commercial buildings and steel structures, the contractor is certified as a lead supervisor/competent person in accordance with SSPC C-3 or equivalent Occupational Safety and Health Administration (OSHA) competent person training
- The contractor has access to at least one disposal site to receive lead-contaminated waste
- For target housing and COFs, the contractor will incorporate the work practice standards in LAC 33:III.2811, and for commercial buildings and steel structures, the contractor will adhere to OSHA work practice standards and SSPC requirements

Licensure of Lead Contractors

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- The contractor possesses a worker protection and medical surveillance program consistent with the requirements of OSHA and/or the state health officer
- For target housing and COFs, an accredited lead project supervisor will be present at all times during the lead contractor's abatements
- For commercial buildings and steel structures, a supervisor who is a certified lead supervisor/competent person in accordance with SSPC C-3 or equivalent OSHA competent person training will be available during commercial lead abatement activities
- Once the person receives a letter of approval from OES, they can apply to the State of Louisiana Licensing Board for Contractors to request a license, subject to its approval

Abatement

Abatement Notification

The lead contractor shall notify the OES in writing of abatement activities

- Notification shall be made using the lead project notification (LPN) form
- The LPN must be postmarked or hand-delivered at least five working days prior to beginning any on-site work at the lead abatement project
- The project shall not start before the start date noted on the LPN form
- Notify if the operation will stop for a day or more during the project time noted on the LPN or if the project has been canceled or postponed
- Give notice 24 hours before the completion of a project
- Notices shall also be sent to the appropriate DEQ regional office

Abatement Notification

Continued

- Notification of less than five working days constitutes an emergency notification
 - During normal working hours, provide notification either by email to the OES and the DEQ regional office responsible for inspecting the project within 24 hours of the start of the project.
 - After working hours, provide notification by email, or voice mail to the OES and the DEQ regional office responsible for inspecting the project site within 24 hours of the start of the project.
 - The completed notification form shall be submitted within five working days and shall be accompanied by the appropriate processing fees
- An amended LPN shall be submitted to the department and appropriate regional office when changes occur in the completion dates, methodology, and square footage.
- Failure to submit a complete and accurate notification or failure to submit appropriate fees will cause the notification to be rejected and constitutes a failure to notify.

Abatement Work Practice Standards

- Work Practice Standards include:
 - Abatement shall be conducted only by accredited persons
 - An accredited lead project supervisor must be present at all times for each abatement project
 - A written occupant and worker protection plan shall be developed for all abatement projects
 - Work practices that must be followed during abatement, including post-abatement clearance procedures, can be found at LAC 33:III.2811.E

Renovation, Repair and Painting

RRP Requirements

Notification requirements

- Notification is not required to DEQ for RRP

Pre-renovation education requirements

- Distribute EPA's lead pamphlet (www.epa.gov/lead/pubs/brochure.htm)
- Post informational signs
- Obtain confirmation of receipt of the lead pamphlet
- Retain records for 3 years

Training and Certification requirements

- All firms must be certified (even sole-proprietors)
- All renovators must be trained

RRP Requirements

Firms performing renovations must ensure that:

- All individuals performing activities that disturb painted surfaces on behalf of the firm are either certified renovators or have been trained by a certified renovator
- A certified renovator is assigned to each renovation and performs all of the certified renovator responsibilities
- All renovations performed by the firm are performed in accordance with the work practice standards of the RRP Program
- Pre-renovation education and lead pamphlet distribution requirements are performed
- The program's recordkeeping requirements are met

RRP Requirements

Certified Renovator Responsibilities

- Must provide on-the-job training to other workers (who have not taken the certified renovator training course) on the lead safe work practices to be used in performing their assigned tasks
- Must be physically present at the work site when warning signs are posted, while the work-area containment is being established, and while the work-area cleaning is performed
- Must regularly direct work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area

RRP Requirements

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- Must use an EPA recognized test kit or collect paint chip samples to determine whether components affected by the renovation contain lead-based paint, or assume lead-based paint is present if testing is not done
- Must be available, either on-site or by telephone, at all times renovations are being conducted
- Must perform project cleaning verification
- Must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate
- Must prepare required records

RRP Requirements

- Lead-safe work practice requirements must be followed. Examples include:
 - Work-area containment to prevent dust and debris from leaving the work area
 - Prohibition of certain work practices like open-flame burning and the use of power tools without HEPA exhaust control
 - Thorough clean up followed by a verification procedure to minimize exposure to lead-based paint hazards
 - For more work practice controls go to https://www.epa.gov/sites/production/files/2020-03/documents/small_entity_guide_9-23-11_w_new_cover.pdf

For more information on the RRP Program, you can find an EPA power point presentation titled Overview of the EPA Lead-Based Paint Renovation, Repair & Painting Rule on the LDEQ website at

<https://www.deq.louisiana.gov/resources/category/lead-paint?y=1900&keyword=&pn=3>

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